

# **MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES**

## **NOVEMBER 17, 2008**

### **MINUTES – Meeting in Newton City Hall – Cafeteria**

**PRESENT:** Jane Brown, Rob Caruso (Co-Chair), Lucie Chansky, Jini Fairley, Rosemary Larking, Barbara Lischinsky, Girard Plante, Heather Platt  
**REGRETS:** Doug Sweet (Co-Chair), Jason Rosenberg, Bev Droz (staff)  
**STAFF:** Kathleen Cahill (Planning & Development)  
**GUESTS:** Franklin Schworzer, Alderman Carleton Merrill, Seana Gaherin, and Verne T. Porter  
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The meeting was called to order at 6:40pm and chaired by Rob Caruso. The Committee members introduced themselves.

Minutes from Sept. 15 and Oct. 20 meetings: R. Larking made a motion to accept the minutes, and J. Brown seconded the motion. The Committee voted 8-0-0 to approve the minutes as presented.

#### **Handicapped Parking Request for 344 Elliot Street**

Mr. Franklin Schworzer, attorney with Schlesinger and Buchbinder, spoke on behalf of the owners of Dunn Gaherin. Mr. Schworzer introduced the request for the on-street handicapped parking space. Mr. Verne Porter, the civil engineer representing Dunn Gaherin, explained the location of the space verbally and through an illustrative map. Presently the business has one handicapped space and would like to add another on-street handicapped parking spot between the driveway opening of 344 Elliot Street (Dunn Gaherin) and 342 Elliot Street, a hair salon. The restaurant is completing a series of renovations. These improvements will increase the overall accessibility of the restaurant, and these changes include: creating an additional accessible entrance in the rear, replacing a steep interior ramp that runs through the center of the restaurant with an accessible ramp and adding an accessible restroom.

The owners are applying for the on-street handicapped parking space upon the suggestion of Alderman Merrill. The abutting property, the salon, would also be welcome to utilize the space. L. Chansky asked some clarifying questions about the length of the area where the handicapped spot would go in between the driveways. Mr. Porter responded that the space is twenty-four feet in length, long enough for a handicapped spot. J. Fairley asked how many parking spaces are currently in the parking lot. Mr. Porter responded that there are ten spaces in the lot, one of which is a handicapped space. Both L. Chansky and R. Caruso had an opportunity to do a site visit before the meeting. It was confirmed that the front entrance to the restaurant is also accessible through an outdoor ramp.

J. Fairley asked if there was an accessibility consultant to ensure the renovations complied with all accessibility regulations. V. Porter responded that there is an accessibility consultant for assistance during the renovations. R. Caruso commended the restaurant owners' commitment to accessibility but voiced his concern about the slope of the driveway apron. He wondered if the slope of the apron would make it difficult for a handicapped individual parked in the on-street handicapped parking space to get up the apron of the driveway, unassisted. Even more than slope of the apron, R. Caruso was concerned about handicapped drivers exiting their vehicle because of the speed and frequency of cars on Elliot Street. L. Chansky commented that this may be an issue for folks that must get into a wheelchair from the sidewalk side of the handicapped parking spot. R. Larking inquired about the drop off location for the Ride. Mr. Porter responded that the Ride could 'live park' in the driveway. He also stated that the owners were

vigilant about the parking lot activity, assigning staff to the lot at busy meal times, and willing to help folks get in and out of the building.

J. Fairley wondered if there have been any requests for the spot by patrons of the restaurant. Mr. Porter responded that the motivation behind the request for the handicapped parking spot was to attract patrons. L. Chansky mentioned that Dunn Gaherin's abutters, the salon, have also approached the Mayor's Committee about handicapped parking. She wondered if they had installed the handicapped parking spots. Mr. Porter indicated that he was not sure about their HP situation but did know that their handicapped parking entrance was on the back of the building, as there is no parking in the front of the property.

Alderman Carleton Merrill spoke on behalf of the restaurant, emphasizing the business' good neighborhood standing. He also stated that a public hearing was held concerning this request. A total of fifty to sixty people were in attendance and nobody spoke in opposition to the proposed changes. Alderman Merrill stated that although he understands the proposed handicapped parking space does not accommodate all people disabilities it would serve many individuals with a handicap.

L. Chansky asked about the required number of handicapped spaces for the lot. Alderman Merrill stated that the present requirement does not call for any handicapped spaces in a lot with less than fifteen spaces. Dunn Gaherin's lot has ten spaces. Alderman Merrill pointed to the other on-street handicapped parking spaces that have been approved in front of private residences. R. Caruso agreed that these spaces have been approved but stated that residential streets are markedly different than main thoroughfares, such as Elliot Street.

J. Fairley asked if there was enough parking along the street for non-handicapped patrons. R. Caruso stated that he noted many regular parking spots during his site visit.

Seana Gaherin, a co-owner of the restaurant, thanked the Committee for hearing the request. She spoke about the numerous calls that she received from patrons with special needs. The restaurant often has situations where the owners get calls to meet patrons at their vehicles, assisting them in getting in to the restaurant. Ms. Gaherin agreed that although the space was not ideal it is better than the current situation.

R. Caruso asked about the current use of the space. Ms. Gaherin indicated that the space was highly utilized and by being able to assign it, and stop others from parking there, it would allow those that need it to use it.

L. Chansky moved that the Committee recommend the handicapped parking space to the Traffic Council, R. Larking seconded the motion. The Committee voted 8-0-0 to recommend the on-street parking space at Dunn Gaherin's.

### **CDBG Access Project Status Report – presented by Kathleen Cahill**

This report was submitted to MCPD by email before this meeting for their review. Per usual it is copied here within the minutes. Discussion notes follow each topic.

**Accessible Pedestrian Signals** (Project CD0703C. Expended, \$28,620; Budget balance: \$13,530). The installation of APS-10 audible pedestrian signals at the intersections of Walnut and Cabot and Beacon and Chestnut, Washington and Beacon, Commonwealth Avenue by St. Ignatius and Beacon and Hammond St. near McElroy Commons was completed last month. Centre St. and Centre Ave. is a priority intersection; however that is on-hold until pending the completion of a pedestrian improvement study conducted by VHB. Washington St. and Commonwealth Ave. is another priority intersection. VHB is currently doing the design work for this intersection. We are hoping that the project will include accessible pedestrian

signals funded from traffic mitigation funds.

*K. Cahill indicated that she was asked to check about the APS at Beacon and Washington and the entrance/exit of Arborpoint. She spoke with Barbara Lischinsky who indicated that the device had been installed at Washington and Beacon and was working well however, the cycle was short. There is also an APS at the entrance/exit of Arborpoint that is working well. H. Platt suggested this might be the result of the short distance. She also asked that DPW be alerted to the fact that they should be installing tactile pads in the cut-throughs, demarcating where the cut-through begins and ends, placing the pedestrian back into the street. The tactile pad should either be the full length of the cut-through or if there is a ramp included in the cut through the tactile pad should just be on the surface of the ramp. K. Cahill indicated that she would speak to the City Traffic Engineer, Clint Schuckel, and find out about the length of the cycle as well as alert DPW to the recommendation regarding the tactile pad within the cut-through.*

*B. Lischinsky stated that she would like to have an APS installed at the light where the hospital traffic enters onto Washington Street. She also stated that she would like the cut-through at Beacon Street to be put on the curb cut list.*

**Norumbega Gardens** (Project CD0903B. Expended: \$7,999 Budget balance, \$48,640). Project includes accessible improvements to interior pathways in the Norumbega Garden Apartments, a complex operated by the Housing Authority. Work began September 16, 2008, 100% complete (on time--November 1<sup>st</sup>). Still awaiting final labor bills.

*K. Cahill reported that the City had completed the repair and replacement of the interior pathways at the apartment building. G. Plante stated that he has enjoyed the improvements and increased accessibility of the entire complex.*

**Charlesbank Playground** (Project CD0903C. Expended: \$0 Budget balance, \$30,000). Project includes the installation of a ramped concrete walkway with metal handrails, designed to complement new play equipment, benches, and picnic tables and allow access through the park.

*K. Cahill indicated that there was no update on Charlesbank Park, work will begin in the spring.*

**Coletti-Magni Park** (Project CD0903D. Expended: \$30,000.00 Budget balance, \$0). Project includes installation of accessible sidewalks around the park's perimeter as well as an accessible ramp and drinking fountain. Work began September 2, 2008, accessible pathways, water fountain, and ramp all installed. Project 95% complete.

*K. Cahill reported that all the funds for this project have been expended, there are some remaining issues that will need to be fixed but the elements of the park that were financed with access funds are complete and in compliance. K. Cahill again voiced her appreciation of Rob Caruso's assistance on-site with the water fountain.*

**Curb Cuts** (Project CD0903G, Expended \$58,689 Budget balance, \$27,400). Funds were used to complete the following curb cuts: Auburn and Washington (4/widening of island) Mason-Rice (6), Temple and Myrtle (2), JFK Circle (2).

*K. Cahill stated that curb cuts will be on-hold until the spring construction season. DPW crews are busy readying the City for the winter.*

**Retrofitting Curb Cuts** (Project CD0903E, Budget balance, \$6,000). A list of 7 locations (Homer Street,

Beacon St. @ Dalton, Centre Green @ Langley, 1188 Centre Green, 82 Lincoln Street, 100 Walnut Street, 28 Commonwealth St) (19 curb cuts) have been identified by committee members and staff. Work will take place in November.

*Retrofitting curb cuts will also be on hold until the spring construction season. G. Plante mentioned that several months ago R. Larking indicated that on of the Homer Street curb cuts leads directly into a pile of sand and brush. Girard had the opportunity to investigate the issue one evening after the Mayor's Committee meeting. He found that the curb cut leads into a small piece of sidewalk effectively guiding pedestrians safely into the library parking lot.*

**FY09 Funds** (Project CD0903A. \$15,045) – This project represents funds available for project(s) to be determined.

## **Other Business:**

### **Citizen's Bank in Newton Centre**

K. Cahill reported that she and Lowell completed a site visit and spoke with Mark Jurilla, the Vice President of Citizens Bank Branch on Centre Green, about addressing the heavy pull pressure on both the front and rear door of the bank. He indicated that he might be transferred to a different jurisdiction and before his departure Mr. Jurilla wanted to get a result for the Committee. K. Cahill followed-up by faxing Mr. Jurilla the previous correspondence that both and Lowell had with him over the past eight months. The Committee agreed that they would wait for contact from Mr. Jurilla before taking a next step.

### **Johnny's Luncheonette**

K. Cahill reported that she and Lowell completed a site visit to Johnny's Luncheonette to investigate the accessible seating in addition to the non-working automatic door opener. She stated that the accessible seating that they were shown by the manager on duty at the time was not by the restrooms. There were chairs stacked in the way of the tables. R. Larking stated that the issue revolves around the accessible route to the accessible seating which is often blocked by high chairs and a server station. Currently K. Cahill is waiting to hear back from the John First, the owner of Johnny's about the plan to repair the automatic door opener.

### **Warren House**

R. Larking again reiterated that her apartment at Warren House was supposed to be made accessible prior to October 2007. She's had problems with the back door and stated it has been difficult getting it repaired correctly. The ramp that was installed is bumpy and noncompliant and the access down to the patio has not been made complaint. There was also an issue in opening the patio door because when the contractors attempted to close the gap they installed a rubber sweeper. The rubber sweeper gets stuck on the carpet. The management team at Warren House has proposed removing carpet and replacing it with linoleum. Rosemary has not been told when this will happen. B. Lischinsky asked if the apartments were Section 8, to which Rosemary responded that they are Section 8. B. Lischinsky suggested contacting the Housing Authority since they have placed Rosemary at Warren House.

R. Larking stated that a Health Department official had inspected the area but maintained that there did not appear to be a health code violation.

B. Lischinsky relayed her problems with Arborpoint in making her apartment fully accessible to a visually impaired person. G. Plante stated that it may be time to make another visit to Arborpoint. H. Platt suggested that R. Larking call the Housing Authority about her outstanding issues with Warren House and

report back to the Committee in January. Although the work will likely not be able to be completed until the spring R. Larking could get a plan in place now. L. Chansky also suggested that both B. Lischinsky and Rosemary contact the Massachusetts Office of Disability to get an advocate to work with them and their respective management teams on these issues.

#### **Newton Public Library**

H. Platt brought to light a complaint mentioned to her by one of the teachers at the Carroll Center. This particular teacher brought a blind student who is also in a wheelchair to the library to see about some volunteer work, such as affixing books or audiovisuals with Braille labels. Both the student and the teacher approached the volunteer office in addition to the adaptive technology office to speak to them about volunteer possibilities. The library employees that they spoke to did not appear to understand the need of the disabled person nor did they allow the teacher to explain what the visually impaired person was interesting in doing as a volunteer activity. The teacher felt the student was dismissed by the employees of the library in her attempt to volunteer. Another teacher at the Carroll Center stated that she also had some difficulties with the library in the past. L. Chansky suggested inviting the director of the library to one of the Mayor's Committee meeting to speak about some of these issues. The Committee agreed that this was a good idea.

#### **Newton Fair Housing Taskforce**

R. Caruso passed along a message from Doug Sweet that the Newton Fair Housing Taskforce is applying to become a permanent body. The Board of Alderman will approve this change, no issues are foreseen. Doug will continue to act as the liaison to this body. Several members asked about the status of the Mayor's Committee efforts to become a commission. R. Caruso stated that Doug has contacted the clerk to put the item on the docket for the Aldermen.

**There was a motion to adjourn at 8:30 pm.**

**The next meeting will be on Monday, December 15 at 6:30pm in the cafeteria.**

Respectfully submitted by Kathleen Cahill